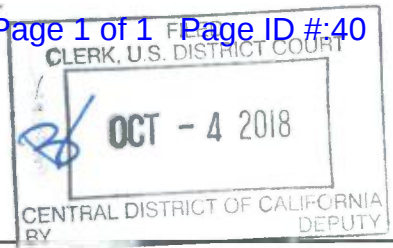


10/05/2018

JULIA C. DUDLEY, CLERK
BY: H. Wheeler
DEPUTY CLERK



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

United States of America

PLAINTIFF(S)

v.

Thomas W. Gillen

DEFENDANT(S)

CASE NUMBER:

18-MJ-2622-1

FINAL COMMITMENT AND WARRANT OF REMOVAL

Western District of Virginia

At

(City)

To: United States Marshal for the Central District of California

The above-named defendant is hereby remanded to your custody and you are hereby ORDERED to remove him/her forthwith, along with a certified copy of this Commitment, to the custodian of a place of confinement within the District of Origin, approved by the Attorney General of the United States, where the defendant shall be received and safely kept until discharged in due course of law.

This defendant was arrested in this District after the filing of a(n):

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Indictment | <input type="checkbox"/> Information | <input checked="" type="checkbox"/> Complaint | <input type="checkbox"/> Order of court |
| <input type="checkbox"/> Pretrial Release Violation Petition | <input type="checkbox"/> Probation Violation Petition | <input type="checkbox"/> Supervised Release Violation Petition | <input type="checkbox"/> Violation Notice |

charging him or her with (brief description of offense)

☒ in violation of Title 18 United States Code, Section (s) 2101, 371

☐ in violation of the conditions of his or her pretrial release imposed by the court.

☐ in violation of the conditions of his or her supervision imposed by the court.

The defendant has now:

- ☒ duly waived arrival of process.
- ☒ duly waived identity hearing before me on 10/2/18
- ☐ duly waived preliminary hearing before me on _____
- ☐ had a preliminary hearing before me on _____, and it appears that there is probable cause to believe that the offense so charged has been committed and that the defendant has committed it.
- ☐ had an identity hearing before me on _____, and it appears that the defendant is the person named as charged, and:
- ☐ Bail has been set at \$ _____ but has not been posted.
- ☒ No bail has been set.
- ☒ Permanent detention has been ordered.
- ☐ Temporary detention has been ordered.

Date

Oct. 4, 2018

[Signature]
United States Magistrate Judge

RETURN

Received this commitment and designated prisoner on _____, and on _____ committed him to _____ and left with the custodian at the same time a certified copy of the within temporary commitment.

United States Marshal, Central District of California

Date

Deputy

CLOSED

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)
CRIMINAL DOCKET FOR CASE #: 2:18-mj-02622-DUTY All Defendants**

Case title: USA v. Gillen

Date Filed: 10/02/2018

Date Terminated: 10/04/2018

Assigned to: Duty Magistrate Judge**Defendant (1)****Thomas Walter Gillen***TERMINATED: 10/04/2018*represented by **Lisa Shinar LaBarre**

Federal Public Defenders Office

321 East 2nd Street

Los Angeles, CA 90012-4202

213-894-1476

Fax: 213-894-0081

Email: Lisa_Labarre@fd.org

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Public Defender or**Community Defender Appointment***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints

Defendant in violation of 18:2101,371

Disposition

Plaintiff

USA

represented by **Assistant 2241-2255 US Attorney LA-CR**

AUSA - Office of US Attorney

Criminal Division - US Courthouse

312 North Spring Street

Los Angeles, CA 90012-4700

213-894-2434

Email: USACAC.Criminal@usdoj.gov

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Assistant US Attorney*

Date Filed	#	Docket Text
10/02/2018	<u>1</u>	AFFIDAVIT RE: OUT-OF-DISTRICT WARRANT (Rule 5(c)(3)) filed as to defendant Thomas Walter Gillen, originating in the Western District of Virginia. Defendant charged in violation of: 18:2101,371. Signed by agent Craig Oliphant, FBI, Special Agent. (mhe) (Entered: 10/04/2018)
10/02/2018	<u>2</u>	REPORT COMMENCING CRIMINAL ACTION as to Defendant Thomas Walter Gillen; defendants Year of Birth: 1993; date of arrest: 10/2/2018 (mhe) (Entered: 10/04/2018)
10/02/2018	<u>3</u>	Defendant Thomas Walter Gillen arrested on warrant issued by the USDC Western District of Virginia at Charlottesville. (Attachments: # <u>1</u> Charging documents)(mhe) (Entered: 10/04/2018)
10/02/2018	<u>4</u>	MINUTES OF ARREST ON OUT OF DISTRICT WARRANT held before Magistrate Judge Jean P. Rosenbluth as to Defendant Thomas Walter Gillen Defendant arraigned and states true name is as charged. Attorney: Lisa Shinar LaBarre for Thomas Walter Gillen, Deputy Federal Public Defender, present. Detention Hearing set for 10/4/2018 02:30 PM before Magistrate Judge Jean P. Rosenbluth. Court Smart: CS 10/2/18. (mhe) (Entered: 10/04/2018)
10/02/2018	<u>5</u>	FINANCIAL AFFIDAVIT filed as to Defendant Thomas Walter Gillen. (Not for Public View pursuant to the E-Government Act of 2002) (mhe) (Entered: 10/04/2018)
10/02/2018	<u>6</u>	WAIVER OF RIGHTS approved by Magistrate Judge Jean P. Rosenbluth as to Defendant Thomas Walter Gillen. (mhe) (Entered: 10/04/2018)
10/02/2018	<u>7</u>	NOTICE OF REQUEST FOR DETENTION filed by Plaintiff USA as to Defendant Thomas Walter Gillen (mhe) (Entered: 10/04/2018)
10/02/2018	<u>8</u>	ASSERTION OF FIFTH AND SIXTH AMENDMENT RIGHTS filed by Defendant Thomas Walter Gillen (mhe) (Entered: 10/04/2018)
10/02/2018	<u>9</u>	ADVISEMENT OF STATUTORY & CONSTITUTIONAL RIGHTS filed by Defendant Thomas Walter Gillen. (mhe) (Entered: 10/04/2018)
10/04/2018	<u>10</u>	MINUTES OF Detention Hearing held before Magistrate Judge Jean P. Rosenbluth as to Defendant Thomas Walter Gillen, The Court Orders the defendant permanently detained. Defendant is held to Answer in the Western

		District of Virginia ASAP. Court Notes Gov't provided no reporting instructions. Court Smart: CS 10/4/18. (mhe) (Entered: 10/05/2018)
10/04/2018		Notice to Western District of Virginia of a Rule 5 or Rule 32 Initial Appearance as to Defendant Thomas Walter Gillen. Your case number is: 3:18MJ02. The clerk will transmit any restricted documents via email. Using your PACER account, you may retrieve the docket sheet and any text-only entries via the case number link. The following document link(s) is also provided: 10 Detention Hearing,. If you require certified copies of any documents, please send a request to email address CrimIntakeCourtDocs-LA@cacd.uscourts.gov (mhe) (Entered: 10/05/2018)
10/04/2018	11	WARRANT OF REMOVAL AND COMMITMENT by Magistrate Judge Jean P. Rosenbluth that Defendant Thomas Walter Gillen be removed to the Western District of Virginia (mhe) (Entered: 10/05/2018)
10/04/2018	12	ORDER OF DETENTION by Magistrate Judge Jean P. Rosenbluth as to Defendant Thomas Walter Gillen, (mhe) (Entered: 10/05/2018)

PACER Service Center			
Transaction Receipt			
10/05/2018 11:47:15			
PACER Login:	us3753:2653133:0	Client Code:	
Description:	Docket Report	Search Criteria:	2:18-mj-02622-DUTY End date: 10/5/2018
Billable Pages:	2	Cost:	0.20

FILED

2018 OCT -2 AM 10:15

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELESUNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CASE NUMBER

18 MJ02622

PLAINTIFF(S)

U.S.A.

v.

Thomas Walter Gillen

DEFENDANT(S).

AFFIDAVIT RE
OUT-OF-DISTRICT WARRANT

The above-named defendant was charged by: criminal complaint
 in the Western District of Virginia on 08/27/18
 at ☐ a.m. / ☐ p.m. The offense was allegedly committed on or about 08/11-08/12/17
 in violation of Title 18 U.S.C., Section(s) 2101, 371
 to wit: Riots, Conspiracy to riot

A warrant for defendant's arrest was issued by: Hon. Jael C. Hoppe

Bond of \$ was ☐ set / ☐ recommended.

Type of Bond:

Relevant document(s) on hand (attach):

I swear that the foregoing is true and correct to the best of my knowledge.

Sworn to before me, and subscribed in my presence on 10/2/18, by

Cindy Allen
Deputy Clerk.

S. J. [Signature]
Signature of Agent

Craig Oliphant
Print Name of Agent

FBI

Agency

Special Agent
Title

FILED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

2018 OCT -2 AM 10: 15

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

UNITED STATES OF AMERICA

PLAINTIFF

V.

CASE NUMBER:

18 MJ 02622

CW

Thomas W. Gillen

REPORT COMMENCING CRIMINAL
ACTION

USMS#

DEFENDANT

TO: CLERK'S OFFICE, U.S. DISTRICT COURT

All areas must be completed. Any area not applicable or unknown should indicate "N/A".

1. Date and time of arrest: 10/02/18 0500 ☒ AM ☐ PM
2. The above named defendant is currently hospitalized and cannot be transported to court for arraignment or any other preliminary proceeding: ☐ Yes ☒ No
3. Defendant is in U.S. Marshals Service lock-up (in this court building): ☒ Yes ☐ No
4. Charges under which defendant has been booked:
18 USC 2101 (Risks)
18 USC 371 (Conspiracy to riot)
5. Offense charged is a: ☒ Felony ☐ Minor Offense ☐ Petty Offense ☐ Other Misdemeanor
6. Interpreter Required: ☒ No ☒ Yes Language: ~~Spanish~~
7. Year of Birth: 1993
8. Defendant has retained counsel: ☒ No
☐ Yes Name: N/A Phone Number: N/A
9. Name of Pretrial Services Officer notified: Devon
10. Remarks (if any): N/A
11. Name: Craig Oliphant (please print)
12. Office Phone Number: 310-477-6565
13. Agency: FBI
14. Signature: [Signature]
15. Date: 10/02/18

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff:

Western Division

vs.

Case Number: 2:18-MJ-02622-1

Out of District Affidavit

Initial App. Date: 10/02/2018

Custody

Initial App. Time: 2:00 PM

Thomas W. Gillen

Defendant:

Date Filed: 10/02/2018

Violation: 18USC2101, 18USC371

CourtSmart/ Reporter:

CS 10/2/18

PROCEEDINGS HELD BEFORE UNITED STATES
MAGISTRATE JUDGE: Jean P. RosenbluthCALENDAR/PROCEEDINGS SHEET
LOCAL/OUT-OF-DISTRICT CASE

PRESENT:

Martinez, Beatriz

None

Deputy Clerk

David Ryan
Assistant U.S. Attorney

Interpreter/Language

☐ INITIAL APPEARANCE NOT HELD - CONTINUED☒ Defendant informed of charge and right to: remain silent; appointment of counsel, if indigent; right to bail; bail review and
☐ preliminary hearing OR ☒ removal hearing / Rule 20.☒ Defendant states true name is as charged is☐ Court ORDERS the caption of the Indictment/Information be changed to reflect defendant's different true name. Counsel are directed to
file all future documents reflecting the true name as stated on the record.☒ Defendant advised of consequences of false statement in financial affidavit. Financial Affidavit ordered SEALED.☒ Attorney: Lisa LaBarre, DFPD ☒ Appointed ☐ Prev. Appointed ☒ Poss. Contribution (see separate order)☐ Special appearance by:☐ Government's request for detention is: GRANTED DENIED WITHDRAWN ☐ CONTINUED☐ Defendant is ordered: ☐ Permanently Detained ☐ Temporarily Detained (see separate order).☐ BAIL FIXED AT \$ (SEE ATTACHED COPY OF CR-1 BOND FORM FOR CONDITIONS)☐ Government moves to UNSEAL Complaint/Indictment/Information/Entire Case: ☐ GRANTED ☐ DENIED☐ Preliminary Hearing waived☐ Class B Misdemeanor Defendant is advised of maximum penalties☐ This case is assigned to Magistrate Judge Counsel are directed to contact the clerk for the
setting of all further proceedings.☐ PO/PSA WARRANT Counsel are directed to contact the clerk for
District Judge for the setting of further proceedings.☐ Preliminary Hearing set for at 4:30 PM☐ PIA set for: at 11:00 AM in LA; at 10:00 AM in Riverside; at 10:00 AM in Santa Ana☐ Government's motion to dismiss case/defendant only: ☐ GRANTED ☐ DENIED☐ Defendant's motion to dismiss for lack of probable cause: ☐ GRANTED ☐ DENIED☒ Defendant executed Waiver of Rights. Process received.☐ Court ORDERS defendant Held to Answer to District of☐ Bond to transfer, if bail is posted. Defendant to report on or before☐ Warrant of removal and final commitment to issue. Date issued: By CRD:☐ Warrant of removal and final commitment are ordered stayed until☒ Case continued to (Date) Oct 4, 2018 (Time) 2:30 AM/PM

Type of Hearing: Defendant hearing before Judge Jean Rosenbluth /Duty Magistrate Judge.

Proceedings will be held in the Duty Courtroom Judge's Courtroom

☐ Defendant committed to the custody of the U.S. Marshal Summons: Defendant ordered to report to USM for processing.☐ Abstract of Court Proceeding (CR-53) issued. Copy forwarded to USM.☐ Abstract of Order to Return Defendant to Court on Next Court Day (M-20) issued. Original forwarded to USM.☐ RELEASE ORDER NO:☐ Other:

PSA USPO

FINANCIAL

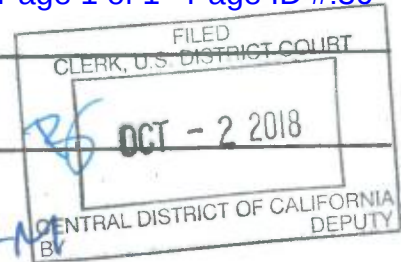
READY

Deputy Clerk Initials

BM
06

CR-10

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**



UNITED STATES OF AMERICA,

PLAINTIFF

v.

CASE NUMBER:

18-2622-M

Thomas W. Gillen

DEFENDANT.

**WAIVER OF RIGHTS
(OUT OF DISTRICT CASES)**

I understand that charges are pending in the Western District of Virginia alleging violation of _____ and that I have been arrested in this district and
(Title and Section / Probation / Supervised Release)

taken before a United States Magistrate Judge, who has informed me of the charge(s) and my rights to:

- (1) have an identity hearing to determine whether I am the person named in the charges;
- (2) arrival of process;

-Check one only-

☐ **EXCLUDING PROBATION OR SUPERVISED RELEASE CASES:**

- (3) have a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed.R.Crim.P., in order to plead guilty.

☐ **PROBATION OR SUPERVISED RELEASE CASES:**

- (3) have a preliminary hearing (if the violation charged allegedly occurred in this district, and I am held in custody solely on that charge) under Rule 32.1(b), Fed.R.Crim.P., to determine whether there is probable cause to believe I have violated the terms of my probation/supervised release.

I HEREBY WAIVE (GIVE UP) MY RIGHT(S) TO:

- ☐ have an identity hearing
- ☒ arrival of process
- ☐ have a preliminary hearing
- ☐ have an identity hearing, and I have been informed that I have no right to a preliminary hearing
- ☒ have an identity hearing, but I request that a preliminary hearing be held in the prosecuting district.

Defendant

Defense Counsel

United States Magistrate Judge

Date:

10/2/18

I have translated this Waiver to the defendant in the _____ language.

Date:

Interpreter(if required)

NICOLA T. HANNA
United States Attorney
LAWRENCE S. MIDDLETON
Assistant United States Attorney
Chief, Criminal Division
(Cal. Bar No. 295785)
Assistant United States Attorney
Section
1500 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-
Facsimile: (213) 894-
E-mail: @usdoj.gov



Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS WALTER GILLEN
Defendant.

No. CR

18 MJ 2622
GOVERNMENT'S NOTICE OF REQUEST FOR
DETENTION

Plaintiff, United States of America, by and through its counsel
of record, hereby requests detention of defendant and gives notice of
the following material factors:

☐ 1. Temporary 10-day Detention Requested (§ 3142(d)) on the
following grounds:

☐ a. present offense committed while defendant was on release
pending (felony trial),

☐ b. defendant is an alien not lawfully admitted for
permanent residence; and

☐ c. defendant may flee; or

☐ d. pose a danger to another or the community.

☒ 2. Pretrial Detention Requested (§ 3142(e)) because no condition or combination of conditions will reasonably assure:

☒ a. the appearance of the defendant as required;

☒ b. safety of any other person and the community.

☐ 3. Detention Requested Pending Supervised Release/Probation Revocation Hearing (Rules 32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):

☐ a. defendant cannot establish by clear and convincing evidence that he/she will not pose a danger to any other person or to the community;

☐ b. defendant cannot establish by clear and convincing evidence that he/she will not flee.

☐ 4. Presumptions Applicable to Pretrial Detention (18 U.S.C. § 3142(e)):

☐ a. Title 21 or Maritime Drug Law Enforcement Act ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense with 10-year or greater maximum penalty (presumption of danger to community and flight risk);

☐ b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b, or 2332b(g)(5)(B) with 10-year or greater maximum penalty (presumption of danger to community and flight risk);

☐ c. offense involving a minor victim under 18 U.S.C. §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-2252A(a)(4),

2260, 2421, 2422, 2423 or 2425 (presumption of danger to community and flight risk);

- ☐ d. defendant currently charged with an offense described in paragraph 5a - 5e below, AND defendant was previously convicted of an offense described in paragraph 5a - 5e below (whether Federal or State/local), AND that previous offense was committed while defendant was on release pending trial, AND the current offense was committed within five years of conviction or release from prison on the above-described previous conviction (presumption of danger to community).

☒ 5. Government Is Entitled to Detention Hearing Under § 3142(f) If the Case Involves:

- ☐ a. a crime of violence (as defined in 18 U.S.C. § 3156(a)(4)) or Federal crime of terrorism (as defined in 18 U.S.C. § 2332b(g)(5)(B)) for which maximum sentence is 10 years' imprisonment or more;
- ☐ b. an offense for which maximum sentence is life imprisonment or death;
- ☐ c. Title 21 or MDLEA offense for which maximum sentence is 10 years' imprisonment or more;
- ☐ d. any felony if defendant has two or more convictions for a crime set forth in a-c above or for an offense under state or local law that would qualify under a, b, or c if federal jurisdiction were present, or a combination or such offenses;

☐ e. any felony not otherwise a crime of violence that involves a minor victim or the possession or use of a firearm or destructive device (as defined in 18 U.S.C. § 921), or any other dangerous weapon, or involves a failure to register under 18 U.S.C. § 2250;

☒ f. serious risk defendant will flee;

☐ g. serious risk defendant will (obstruct or attempt to obstruct justice) or (threaten, injure, or intimidate prospective witness or juror, or attempt to do so).

☐ 6. Government requests continuance of ____ days for detention hearing under § 3142(f) and based upon the following reason(s):

//

//

//

//

//

//

//

//

//

//

//

//

☐ 7. Good cause for continuance in excess of three days exists in that:

Dated: August ~~8~~, 2018
October 2,

Respectfully submitted,

NICOLA T. HANNA
United States Attorney

LAWRENCE S. MIDDLETON
Assistant United States Attorney
Chief, Criminal Division



DAVID T. RYAN
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

HILARY POTASHNER (Bar No. 167060)
Federal Public Defender

(E-Mail: (Bar No. }
Deputy Federal Public Defender
321 East 2nd Street
Los Angeles, California 90012-4202
Telephone: (213) 894-2854
Facsimile: (213) 894-0081

Attorneys for Defendant



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Thomas W. Gillen

Defendant.

Case No. 18-2678M

ASSERTION OF FIFTH AND SIXTH
AMENDMENT RIGHTS

I, the above defendant, hereby assert my Fifth and Sixth Amendment rights to remain silent and to have counsel present at any and all of my interactions with the government or others acting on the government's behalf. I do not wish to, and will not, waive any of my constitutional rights except in the presence of counsel. I do not want the government or others acting on the government's behalf to question me, or contact me seeking waiver of any rights, unless my counsel is present.

Tom Gillen

(Defendant's signature)

Lisa LaBarre

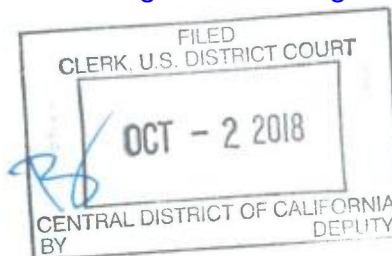
(Attorney's name printed)

Lisa LaBarre

(Attorney's signature)

Date: 10/2/18

Time: 2:18 a.m./p.m.



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

United States of America,

Plaintiff,

v.

Thomas W. Gillen

Defendant.

CASE NUMBER:

18-2622M

**ADVISEMENT OF
DEFENDANT'S STATUTORY &
CONSTITUTIONAL RIGHTS**

You are in the United States District Court for the Central District of California because you have been charged with a crime against the United States or a violation of probation, supervised release, or pretrial release. The Court informs you that you have the following constitutional and statutory rights in connection with these proceedings:

You have the right to remain silent. Anything you say, sign, or write can be used against you in this or in any other case.

If you have not already received a copy of the charges, you will receive a copy today.

You have the right to hire and be represented by a lawyer of your choosing at each and every stage of these proceedings. If you cannot afford to hire a lawyer, you can apply to the Court to have a lawyer appointed to represent you for free from the office of the Federal Public Defender or the Indigent Defense Panel. The application for free counsel includes a financial affidavit, which you must sign under penalty of perjury. If you say something on the form that is not true or leave out material information, you could be charged with another crime, such as perjury or making a false statement.

If you are not a United States citizen, you may request that the prosecution notify your consular office that you have been arrested. Even without such a request, the law may require the prosecution to do so.

IF YOU ARE MAKING YOUR INITIAL APPEARANCE BEFORE THE COURT

You have a right to a bail hearing in which the Magistrate Judge will determine whether you will be released from custody before trial. If you disagree with the Magistrate Judge's decision, you can appeal that decision to another Judge of this Court. You or the prosecutor can request that the bail hearing be continued to another day.

If you have been charged by complaint, you are entitled to a preliminary hearing within 14 days if the Magistrate Judge orders that you be detained pending trial, or 21 days if the Magistrate Judge orders that you be released pending trial. In a preliminary hearing, the prosecution will attempt to show that there is probable cause to believe that you committed the crime charged in the complaint. You will not be entitled to a preliminary hearing, however, if the prosecution obtains an indictment in your case before the time set for the preliminary hearing. (Most often, the prosecutors in the Central District of California present their cases to the grand jury before the time set for the preliminary hearing and, therefore, no preliminary hearing is held.)

**IF YOU ARE CHARGED WITH A VIOLATION OF
YOUR CONDITIONS OF SUPERVISED RELEASE OR PROBATION**

If you are charged with a violation of the terms and conditions of your supervised release or probation and the Magistrate Judge detains you, you have the right to a preliminary hearing before a Magistrate Judge.

IF YOU ARE CHARGED IN ANOTHER DISTRICT

If you have been arrested on a charge from another district, you are entitled to wait until the prosecution produces a copy of the warrant authorizing your arrest. You are also entitled to an identity hearing in which the prosecution would have the burden of proving there is probable cause to believe that you are the person named in the charges. If you are charged in a complaint from another district, you may request to have a preliminary hearing held in the charging district. If you are charged with a violation of a term of supervised release or probation imposed in another district, you have a right to a preliminary hearing, which may, depending on where the alleged violation occurred, be held either here or in the charging district.

If you want to plead guilty in the Central District of California, you may request to have your case transferred to this district. To proceed in this district, the United States Attorneys for this district and the charging district must agree to the transfer.

IF YOU ARE APPEARING FOR ARRAIGNMENT

If you have been charged by indictment or information, you will be arraigned and may be asked to enter a not guilty plea today. After your arraignment, your case will be assigned to a District Judge of this Court for all further proceedings, unless a Judge has already been assigned.

You are entitled to a speedy and public trial by jury. The right to a jury trial can be waived.

You are entitled to see and hear the evidence and cross-examine the witnesses against you. You are entitled to the processes of the Court to subpoena witnesses on your behalf without cost to you if you are indigent. You do not have to prove your innocence. The prosecution has the burden to prove your guilt beyond a reasonable doubt.

ACKNOWLEDGMENT OF DEFENDANT:

I have read the above Advisement of Rights and understand it. I do not require a translation of this statement nor do I require an interpreter for court proceedings.

Dated: October 2nd

Tom Gillen
Signature of Defendant

[or]

I have personally heard a translation in the _____ language read to me and understand the above Advisement of Rights.

Dated: _____

Signature of Defendant

STATEMENT OF THE INTERPRETER:

I have translated this Advisement of Rights to the Defendant in the _____ language.

Dated: _____

Signature of Interpreter

Print Name of Interpreter

STATEMENT OF COUNSEL:

I am satisfied that the defendant has read this Advisement of Rights or has heard the interpretation thereof and that he/she understands it.

Dated: 10/2/18

Lee K. B.
Signature of Attorney

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**MINUTES - DETENTION HEARING - REVIEW/RECONSIDERATION OF BAIL / DETENTION ORDER -
NEBBIA HEARING**

Case No. <u>18-MJ-2622-1</u>		CourtSmart <u>CS 10/4/18</u>	Date: <u>October 4, 2018</u>
Present: The Honorable <u>Jean P. Rosenbluth</u> , U.S. Magistrate Judge			
<u>Bea Martinez</u>	<u>David Ryan</u>	<u>N/A</u>	
<i>Deputy Clerk</i>	<i>Assistant U.S. Attorney</i>	<i>Interpreter / Language</i>	

USA v. Thomas W. Gillen <input checked="" type="checkbox"/> Present <input checked="" type="checkbox"/> Custody <input type="checkbox"/> Bond <input type="checkbox"/> Not present	Attorney Present for Defendant: <u>Lisa LaBarre</u> <input checked="" type="checkbox"/> Present <input type="checkbox"/> CJA <input type="checkbox"/> Retd <input type="checkbox"/> DFPD <input type="checkbox"/> Not present
---	---

PROCEEDINGS: DETENTION HEARING

- ☒ Government's request for detention is: ☒ GRANTED ☐ DENIED ☐ WITHDRAWN ☐ CONTINUED
- ☐ Witnesses CST (see separate list). ☐ Exhibits Marked/Admitted (see separate list).
- ☐ Court orders that exhibits be returned to the respective counsel / party of record.
☐ See Receipt for Release of Exhibits to Counsel.
- ☐ Counsel stipulation to bail.
- ☐ Court finds presumption under 18 USC 3142e _____ has not been rebutted.
- ☒ Court ORDERS DEFENDANT PERMANENTLY DETAINED. See separate detention order.
- ☐ Court finds presumption under 18 USC 3142e _____ has been rebutted.
- ☐ Court sets bail at: \$ _____. ☐ SEE ATTACHED COPY OF CR-01 BOND FORM FOR CONDITIONS OF RELEASE.
- ☐ Court orders that defendant be detained for a period not to exceed ten (10) Court days. See separate order re temporary detention.
- ☐ Court orders further detention / bail hearing to be set on _____ at _____ ☐ a.m. / ☐ p.m. in Courtroom _____ before Judge _____.
- ☐ Court orders case continued to _____ at _____ ☐ a.m. / ☐ p.m. for _____, in Courtroom _____ before Judge _____.
- ☐ Release Order Issued - Release No. _____.
- ☒ Other: Defendant is held to Answer in the Western District of Virginia ASAP. Court Notes Gov't provided no reporting instructions.

PROCEEDINGS: ☐ REVIEW / RECONSIDERATION OF BAIL / DETENTION ORDER - BOND HEARING
☐ NEBBIA HEARING

Hearing on ☐ Plaintiff's ☐ Defendant's request for review / reconsideration of bail / detention order had and request is:
☐ GRANTED ☐ DENIED

Court ORDERS bail as to the above-named defendant ☐ modified to ☐ set at: \$ _____
☐ SEE ATTACHED COPY OF CR-01 BOND FORM FOR CONDITIONS OF RELEASE.

- ☐ Bond previously set is ordered vacated.
- ☐ Court orders defendant permanently detained. See separate order.
- ☐ Court denies request for bail, defendant shall remain permanently detained as previously ordered.
- ☐ Witnesses CST (see separate list). ☐ Exhibits Marked / Admitted (see separate list).
- ☐ Court orders that exhibits be returned to the respective counsel / party of record.
☐ See Receipt for Release of Exhibits to Counsel.
- ☐ Case continued to _____ at _____ ☐ a.m. / ☐ p.m. for _____ before Judge _____ in Courtroom _____.
- ☐ Nebbia conditions are satisfied and the Government approves the bond package as presented to the Court.
- ☐ Other _____

Release Order Issued - Release No. _____ : 08
 Deputy Clerk Initials bm



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Thomas Walter Gillen II
Defendant.

Case No.: MJ 18-2622
ORDER OF DETENTION

I.

A. () On motion of the Government in a case allegedly involving:

1. () a crime of violence.
2. () an offense with maximum sentence of life imprisonment or death.
3. () a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. () any felony - where defendant convicted of two or more prior offenses described above.
5. () any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

1 B. (✓) On motion by the Government/() on Court's own motion, in a case
2 allegedly involving:

3 (✓) On the further allegation by the Government of:

4 1. (✓) a serious risk that the defendant will flee.

5 2. () a serious risk that the defendant will:

6 a. () obstruct or attempt to obstruct justice.

7 b. () threaten, injure or intimidate a prospective witness or
8 juror, or attempt to do so.

9 C. The Government () is/(✓) is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.
12

13 II.

14 A. (✓) The Court finds that no condition or combination of conditions will
15 reasonably assure:

16 1. () the appearance of the defendant as required.

17 () and/or

18 2. (✓) the safety of any person or the community.

19 B. () The Court finds that the defendant has not rebutted by sufficient evidence to
20 the contrary the presumption provided by statute.
21

22 III.

23 The Court has considered:

24 A. (✗) the nature and circumstances of the offense(s) charged, including whether
25 the offense is a crime of violence, a Federal crime of terrorism, or involves
26 a minor victim or a controlled substance, firearm, explosive, or destructive
27 device;

28 B. (✗) the weight of evidence against the defendant;

- 1 C. (X) the history and characteristics of the defendant; and
 2 D. (X) the nature and seriousness of the danger to any person or the community.
 3

4 IV.

5 The Court also has considered all the evidence adduced at the hearing and the
 6 arguments and/or statements of counsel, and the Pretrial Services
 7 Report/recommendation.
 8

9 V.

10 The Court bases the foregoing finding(s) on the following:

- 11 A. () As to flight risk:
 12
 13
 14
 15
 16
 17
 18
 19
 20

- 21 B. (X) As to danger:

22 - traveled across country and the state for the purpose
 23 of committing violence

24 - plans to live with uncle if released but uncle would
 not talk to pretrial

- ubiquitous access to internet, which was used to
 plan and coordinate commission of violence
 and quite possibly to encourage others to do so

- convictions include

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- obstructing a public officer and possessing a
 firearm without identifying mark
 - had four firearms and ammunition at residence

- Defendant
 may have been
 on probation at
 time of instant
 offense
 - depicted punching
 a protestor who
 has fallen to the
 ground with taped
 fists indicating
 preparation to fight

VI.

- A. () The Court finds that a serious risk exists the defendant will:
1. () obstruct or attempt to obstruct justice.
 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
- B. The Court bases the foregoing finding(s) on the following:

VII.

- A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.
- C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity for private consultation with counsel.
- D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility in which defendant is confined deliver the defendant to a United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED: Oct. 4, 2018



JEAN ROSENBLUTH
U.S. MAGISTRATE JUDGE